

REMARKS

Claim 26 has been rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is asserted that the language “stop engages the door frame” is not positively recited. Applicants have now amended claim 25 to include the limitations of claim 26. The language, however, has been modified to more positively recite the claimed invention. It is therefore submitted that amended claim 25 overcomes the rejections based on 35 U.S.C. §112.

Claim 25 has been rejected under 35 U.S.C. as being anticipated by either U.S. Patent No. 3,979,977 to Dorma; U.S. Patent No. 5,501,107 to Snyder; or U.S. Patent No. 4,976,159 to Snyder. It is alleged that each of the references provide housings and elements that could be stops.

Claim 25 is now amended to include the limitation that the stop surface is “adapted to engage the door frame to prevent rotation of said housing during tensioning of the counterbalance system.” It is asserted that the handle (132) of Dorma is a stop, but this element is not adapted to engage a door frame. In fact the only reasonable orientation of the tool during use is with the slot (136) positioned upwardly to receive collar (41) and the elongated handle (132) oriented vertically downward for an individual to grip. A user must grip the handle (132), otherwise the tool would fall to the floor, and a user could not likely grip the handle (132) while it engages the door or door frame.

Regarding both Snyder ‘107 and Snyder ‘159, neither are directed toward garage door counterbalancing tools and therefore cannot include “a stop surface on said housing adapted to engage the door frame during tensioning of the counterbalance system.”

Since none of the cited references teach each and every element of claim 25, it is submitted that claim 25 is allowable along with all claims depending therefrom.

Upon consideration of the cited references and the instant invention, the Applicants respectfully request entry and allowance of new claims 27-30. New claim 27 sets forth that the winding assembly includes a second stop surface oriented on an opposite side of the housing to allow the winding assembly to selectively engage and selectively rotate a tool

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adapter at an opposite end of the counterbalance system. It is submitted that none of the cited references teach or suggest such a limitation.

Regarding new claim 28, none of the cited references teach a housing including a pair of stop surfaces and a coupler positioned between the stop surfaces. Regarding new claim 29, none of the above disclosed references teach a pair of opposed stop surfaces oriented at an angle relative to each other. Regarding new claim 30, none of the disclosed references teach a driver engaging boss extending outwardly from the housing along an axis, wherein at least one of the stop surfaces is adapted to engage the door frame so that axis of the driver engaging boss extends at a non-perpendicular orientation from the door frame. Such an orientation allows an installer to easily access the boss while tightening the counterbalance system.

In light of the above remarks and amendments, a Notice of Allowance for claims 25 and 27-30 is respectfully requested. In the event that a fee required for the filing of this document is missing or insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. **18-0987**. If a withdrawal is required from Deposit Account No. **18-0987**, the undersigned Attorney respectfully requests that the Commissioner of Patents and Trademarks cite Attorney Docket Number **WAY.P.US0097** for billing purposes.

Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,



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